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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 716/2010 and CM Nos.19181-82/2010**

NEW INDIA ASSURANCE COMPANY LTD Appellant
Through: Ms. Neerja Sachdeva, Advocate

versus

PRADEEP KUMAR AGGARWAL & ORS Respondents
Through: Nemo

CORAM:
HON'BLE MS. JUSTICE REVA KHETRAPAL

% **ORDER**
28.10.2010

The appellant Insurance Company in this appeal seeks to challenge the impugned award dated 13th August, 2010 passed by the Motor Accident Claims Tribuna, Rohini, Delhi on the ground that the Motor Accident Claims Tribunal erred in directing the Insurance Company to pay the award amount in the first instance in view of the fact that the invalidity of the driving licence had been established on record.

According to Ms. Neerja Sachdeva, the learned counsel for the appellant Insurance Company, one of the terms of the insurance policy having been breached by the insured, the liability to pay the award amount ought to have been fastened on the insured and the driver of the insured alone.

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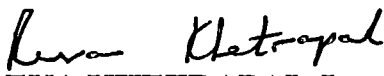
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She, however, states that she is not pressing the appeal at this juncture, but in view of the fact that the matter in issue is referred to a Larger Bench of the Supreme Court, she may be given the opportunity to have the appeal revived in case the issue is decided in favour of the Insurance Companies by the Supreme Court.

Dismissed as withdrawn. Liberty as prayed for is granted.

A copy of this order be given *dasti* to the counsel for the appellant, as prayed.


REVA KHETRAPAL, J

OCTOBER 28, 2010
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